

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00458

Ricardo Martinez Pineda,
Petitioner,

v.


Director, TDCJ-CID,
Respondent.

ORDER

This habeas corpus action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). On September 30, 2024, the magistrate judge issued a report recommending that the petition be dismissed with prejudice and that a certificate of appealability be denied sua sponte. Doc. 22. A copy of the report was mailed to the petitioner, who received it on October 21, 2024, and did not file written objections. Doc. 23.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. However, the court declines to deny a certificate of appealability sua sponte in this matter. The petition is dismissed with prejudice. Any pending motions are denied as moot.

So ordered by the court on February 7, 2025.



J. CAMPBELL BARKER
United States District Judge